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SUBJECT: UNGA/C-6: UNGA'S SIXTH (LEGAL) COMMITTEE DISCUSSES
RULE OF LAW

REF: 07 USUNNEWYORK 953

11. SUMMARY: UNGA's Sixth Committee debated agenda item 79 "The Rule of Law at the National and International Level" from October 13-14. During the debate, Deputy Secretary-General Asha-Rose Migiro presented remarks. Many delegations commended the UN Rule of Law Coordination and Resource Group (Rule of Law Group) and the Rule of Law Assistance Unit (Unit) and emphasized the need to provide assistance to countries to strengthen the rule of law. Most speakers explained ways that their own countries had taken steps to support the rule of law at home and abroad. A few speakers used the debate as an opportunity to argue for reform of the UN Security Council (UNSC). In keeping with previous years' debates (Ref A), many speakers asked for future discussions on rule of law to utilize focused sub-topics in order to make discussions more productive. Paragraph 7 lists all the delegations that gave statements. END SUMMARY.

REMARKS BY THE DEPUTY SECRETARY GENERAL

12. Deputy Secretary General Migiro urged stakeholders to participate fully in the development of the rule of law. "No program can be successful in the long run if imposed from the outside and without national authorities leading the process." The Deputy Secretary General said that the Rule of Law Group has already delivered tangible results in coordinating and strengthening rule of law activities. She argued that in order to support UN coordination efforts the Unit should be fully funded from the regular budget.

STATE OWNERSHIP OF RULE OF LAW DEVELOPMENT

13. The remarks of many delegates echoed those of the Deputy Secretary General. Countries from the non-aligned movement (NAM) and China argued that both the Unit and the Rule of Law Group should be strengthened. These speakers agreed with Deputy Secretary General Migiro that the Unit should receive funding from the regular budget. The representatives of Liechtenstein and Switzerland concurred. Many speakers emphasized the need for technical assistance on rule of law implementation in developing countries. They added that this assistance should not be donor driven, but should take into account the cultural, political, and economic needs of the implementing country.

COMMENTS ON THE UN SECURITY COUNCIL

14. Several countries argued that "democratization" of the UNSC would reinforce the rule of law. Iran, Libya, Syria, China, Pakistan and Cuba (on behalf of NAM) stressed that the UNSC should not encroach on questions that fall within the purview of the General Assembly. Pakistan added that to promote rule of law, UNSC resolutions should be implemented without discrimination, regardless of whether the action is taken under Chapter VI or Chapter VII.

THE RELATIONSHIP BETWEEN NATIONAL AND INTERNATIONAL LAW

15. Many delegations highlighted the need for rule of law at the national level to reflect international norms. Kuwait's representative said that the UN should support the rule of law by providing solutions to contradictions between national and international law and help coordinate future efforts to prevent such contradictions. Venezuela, along with other South American and Middle Eastern countries, emphasized the principle of self-determination and non-interference. Egypt called for the UN to put an end to misuse of the principle of universal jurisdiction.

PROPOSALS FOR SUB-TOPICS

16. Many countries called for the inclusion of sub-topics in next year's consideration of the rule of law agenda item in order to better focus the debate. The Republic of Korea cautioned that the rule of law discussions should not overlap with other agenda items in the General Assembly. Several delegations provided concrete proposals. China included four sub-topics: 1) "Common Understanding of the Rule of Law at the National and International" levels, 2) Strengthening the Rule of Law through Technical Assistance and Capacity Building," 3) Transitional Justice in Conflict and Post-Conflict Societies" and 4) "The observance of the International Rule of Law, in particular, through the Domestic Implementation and Interpretation of International Treaties." Japan proposed 1) "Technical assistance for the strengthening of the rule of law" and 2) the "Role of the ICC

in the establishment of the rule of law." Liechtenstein asked for a more action-oriented discussion such as, "Strengthening accountability and dispute resolution mechanisms." The EU, Rio Group, and CANZ suggested that the topic include the "Role of the International Court of Justice and other international courts and tribunals in promoting the application by States of international law." CANZ also said that sub-topics should include ICTY/ICTR residual issues. Mexico also proposed the topic "Implementation of international standards at the national level, and how to harmonize them with the national legislation."

LIST OF SPEAKERS

17. The following Delegations gave statements: New Zealand (on behalf of CANZ), France (on behalf of the EU), Cuba (on behalf of the NAM), Kenya (on behalf of the Africa Group), Mexico (on behalf of the Rio Group), Azerbaijan, Bangladesh, China, Cuba, DRC, Egypt, Ghana, Guatemala, India, Indonesia, Iran, Japan, Kazakhstan, Kuwait, Lao Peoples Democratic Republic, Lesotho, Libya, Liechtenstein, Mexico, Mozambique, Myanmar, Nigeria, Norway, Pakistan, Qatar, Republic of Korea, Russia, Singapore, South Africa, Switzerland, Tanzania, Syria, Trinidad & Tobago, United States, Venezuela, Vietnam, and Zambia. The observers IDLO, the Asian-African Legal Consultative Organization, and the Holy See, also made interventions.
Khalilzad